
By: **Chairman, Judiciary Committee (Departmental - Public Safety and
Correctional Services)**

Introduced and read first time: February 8, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Sex Offender Registration**

3 FOR the purpose of altering certain definitions under certain provisions of law
4 requiring registration of certain offenders; clarifying the registration
5 requirements of persons who move into the State or enter it for certain purposes;
6 requiring that certain registrants supply certain information on the registration
7 statement; clarifying the calculation of the term of registration; altering certain
8 notification requirements; and generally relating to the registration of certain
9 sex offenders.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 11-701(h) and (i), 11-704, 11-706, 11-707, 11-708(a), 11-710, 11-711,
13 and 11-721
14 Annotated Code of Maryland
15 (2001 Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Procedure**

19 11-701.

20 (h) "Sexually violent predator" means a [person] SEXUALLY VIOLENT
21 OFFENDER who:

22 (1) is convicted of a subsequent sexually violent offense; and

23 (2) has been determined in accordance with this subtitle to be at risk of
24 committing another sexually violent offense.

25 (i) "Supervising authority" means:

1 (1) the Secretary, if the registrant is in the custody of a correctional
2 facility operated by the Department;

3 (2) the administrator of a local correctional facility, if the registrant,
4 including a participant in a home detention program, is in the custody of the local
5 correctional facility;

6 (3) the court that granted the probation or suspended sentence, except as
7 provided in item (11) of this subsection, if the registrant is granted probation before
8 judgment, probation after judgment, or a suspended sentence;

9 (4) the Director of the Patuxent Institution, if the registrant is in the
10 custody of the Patuxent Institution;

11 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
12 the custody of a facility operated by the Department of Health and Mental Hygiene;

13 (6) the court in which the registrant was convicted, if the registrant's
14 sentence does not include a term of imprisonment;

15 (7) the Secretary, if the registrant is in the State under terms and
16 conditions of the Uniform Act for Out-of-State Parolee Supervision, set forth in Title
17 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
18 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

19 (8) the Secretary, if the registrant moves to this State and was convicted
20 in another state of a crime that would require the registrant to register if the crime
21 was committed in this State;

22 (9) the Secretary, if the registrant moves to this State from another state
23 where the registrant was required to register;

24 (10) THE SECRETARY, IF THE REGISTRANT IS CONVICTED IN A FEDERAL,
25 MILITARY, OR NATIVE AMERICAN TRIBAL COURT AND IS NOT UNDER SUPERVISION
26 BY ANOTHER SUPERVISING AUTHORITY;

27 [(10)] (11) the Secretary, if the registrant is not a resident of this State
28 AND HAS BEEN CONVICTED IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR
29 NATIVE AMERICAN TRIBAL COURT; or

30 [(11)] (12) The Director of Parole and Probation, if the registrant is
31 under the supervision of the Division of Parole and Probation.

32 11-704.

33 A person shall register with the person's supervising authority if the person is:

34 (1) a child sexual offender;

35 (2) an offender;

1 (3) a sexually violent offender;

2 (4) a sexually violent predator;

3 (5) a child sexual offender who, before moving into this State, was
4 required to register in another state or by a federal, military, or Native American
5 tribal court for a crime that occurred before October 1, 1995;

6 (6) an offender[,] OR sexually violent offender[, or sexually violent
7 predator] who, before moving into this State, was required to register in another
8 state or by a federal, military, or Native American tribal court of a crime that occurred
9 before July 1, 1997; [or]

10 (7) a child sexual offender, offender, OR sexually violent offender[, or
11 sexually violent predator] who is required to register in another state, who is not a
12 resident of this State, and who enters this State:

13 (i) to carry on employment or a vocation that is full-time or
14 part-time for a period exceeding 14 days or for an aggregate period exceeding 30 days
15 during a calendar year, whether financially compensated, volunteered, or for the
16 purpose of government or educational benefit; or

17 (ii) to attend a public or private educational institution, including a
18 secondary school, trade or professional institution, or institution of higher education,
19 as a full-time or part-time student[.]; OR

20 (8) A PERSON WHO:

21 (I) BEFORE MOVING TO THIS STATE WAS REQUIRED TO REGISTER
22 EVERY 90 DAYS FOR LIFE IN ANOTHER STATE OR BY A FEDERAL, MILITARY, OR
23 NATIVE AMERICAN TRIBAL COURT; OR

24 (II) IS REQUIRED TO REGISTER EVERY 90 DAYS FOR LIFE IN
25 ANOTHER STATE, WHO IS NOT A RESIDENT OF THIS STATE, AND WHO ENTERS THIS
26 STATE AS DESCRIBED IN ITEM (7)(I) OR (II) OF THIS SECTION.

27 11-706.

28 (a) A registration statement shall include:

29 (1) the registrant's name and address;

30 (2) (i) for a registrant under § 11-704(7)(i) of this subtitle, the
31 registrant's place of employment; or

32 (ii) for a registrant under § 11-704(7)(ii) of this subtitle, the
33 registrant's place of educational institution or school enrollment;

34 (3) FOR A REGISTRANT WHO IS EMPLOYED, CARRIES ON A VOCATION, OR
35 IS A STUDENT AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE, THE NAME
36 AND ADDRESS OF THE APPLICABLE EDUCATIONAL INSTITUTION;

- 1 [(3)] (4) a description of the crime for which the registrant was
2 convicted;
- 3 [(4)] (5) the date that the registrant was convicted;
- 4 [(5)] (6) the jurisdiction in which the registrant was convicted;
- 5 [(6)] (7) a list of any aliases that the registrant has used;
- 6 [(7)] (8) the registrant's Social Security number; and
- 7 [(8)] (9) the registrant's signature and date signed.

8 (b) If the registrant is a sexually violent predator, OR IF THE REGISTRANT IS
9 REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE, the registration
10 statement shall also include:

- 11 (1) identifying factors, including a physical description;
- 12 (2) anticipated future residence, if known at the time of registration;
- 13 (3) offense history; and
- 14 (4) documentation of treatment received for a mental abnormality or
15 personality disorder.

16 11-707.

17 (a) (1) A child sexual offender shall register annually in person with a local
18 law enforcement unit for the term provided under paragraph (4) of this subsection.

19 (2) An offender and a sexually violent offender shall register annually
20 with the Department in accordance with § 11-711(a) of this subtitle and for the term
21 provided under paragraph (4) of this subsection.

22 (3) A sexually violent predator AND A REGISTRANT REQUIRED TO
23 REGISTER UNDER § 11-704(8) OF THIS SUBTITLE shall register every 90 days in
24 accordance with § 11-711(b) of this subtitle and for the term provided under
25 paragraph (4)(ii) of this subsection.

26 (4) The term of registration is:

27 (i) 10 years; or

28 (ii) life, if:

29 1. the registrant has been determined to be a sexually violent
30 predator in accordance with the procedures described in § 11-703 of this subtitle OR
31 IS A REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE;

the registrant has been convicted of any violation of Article
27, §§ 462 through 464B of the Code; or

3. the registrant has been previously required to register and
has been convicted of a subsequent crime as a child sexual offender or an offender or
has been convicted of a subsequent sexually violent offense.

6 (5) A registrant who is not a resident of the State shall register for the
7 appropriate time specified in this subsection or until the registrant's employment or
8 student enrollment in the State ends.

9 (b) A term of registration described in this section shall be computed from:

10 (1) the last date of release; [or]

11 (2) the date granted [probation] PROBATION; or

12 (3) THE DATE GRANTED a suspended sentence.

13 11-708.

14 (a) When a registrant registers, the supervising authority shall:

15 (1) give written notice to the registrant of the requirements of this
16 subtitle;

17 (2) explain the requirements of this subtitle to the registrant, including:

18 (i) the duties of a registrant when the registrant changes residence
19 address in this State;

(ii) THE DUTIES OF A REGISTRANT WHEN THE REGISTRANT
BEGINS, CHANGES, OR TERMINATES ENROLLMENT, EMPLOYMENT, OR VOCATIONAL
STATUS AT AN INSTITUTION OF HIGHER EDUCATION IN THIS STATE;

23 (III) the requirement for a child sexual offender to register in person
24 with the local law enforcement unit of the county where the child sexual offender will
25 reside or where the child sexual offender who is not a resident of this State will work
26 or attend school; and

27 [(iii)] (IV) the requirement that if the registrant changes
28 residence address, employment, or school enrollment to another state that has a
29 registration requirement, the registrant shall register with the designated law
30 enforcement unit of that state within 7 days after the change; and

31 (3) obtain a statement signed by the registrant acknowledging that the
32 supervising authority explained the requirements of this subtitle and gave written
33 notice of the requirements to the registrant.

1 11-710.

2 (A) As soon as possible but not later than 5 working days after receipt of notice
3 of a registrant's change of address, the Department shall give notice of the change:

4 (1) if the registration is premised on a conviction under federal, military,
5 or Native American tribal law, to the designated federal unit; and

6 (2) (i) to the local law enforcement unit in whose county the new
7 residence is located; or

8 (ii) if the new residence is in a different state that has a
9 registration requirement, to the designated law enforcement unit in that state.

10 (B) (1) AS SOON AS POSSIBLE BUT NOT LATER THAN 5 WORKING DAYS
11 AFTER RECEIPT OF NOTICE CONCERNING A REGISTRANT'S CHANGE OF STATUS
12 UNDER SECTION 11-705(D) OF THIS SUBTITLE, THE DEPARTMENT SHALL GIVE
13 NOTICE TO THE INSTITUTION'S CAMPUS POLICE AGENCY.

14 (2) INSTITUTIONS CURRENTLY REQUIRED TO DISCLOSE CAMPUS
15 SECURITY POLICY AND CAMPUS CRIME STATISTICS DATA MUST ALSO ADVISE THE
16 CAMPUS COMMUNITY WHERE LAW ENFORCEMENT AGENCY INFORMATION
17 PROVIDED BY A STATE CONCERNING REGISTERED SEX OFFENDERS MAY BE
18 OBTAINED.

19 (3) AN EDUCATIONAL INSTITUTION IS NOT PROHIBITED FROM
20 DISCLOSING INFORMATION PROVIDED TO THE INSTITUTION UNDER THIS SUBTITLE
21 CONCERNING REGISTERED SEX OFFENDERS WHO ARE REQUIRED TO REGISTER.

22 11-711.

23 (a) (1) The Department shall mail annually a verification form to the last
24 reported address of each offender and sexually violent offender.

25 (2) The verification form may not be forwarded.

26 (3) Within 10 days after receiving the verification form, the offender or
27 sexually violent offender shall sign the verification form and mail it to the
28 Department.

29 (b) (1) A local law enforcement unit shall mail a verification form every 90
30 days to the last reported address of a sexually violent predator OR REGISTRANT
31 REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS SUBTITLE.

32 (2) The verification form may not be forwarded.

33 (3) Within 10 days after receiving the verification form, the sexually
34 violent predator OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS
35 SUBTITLE shall sign the form and mail it to the local law enforcement unit.

1 (4) Within 5 days after receiving a verification form from a sexually
2 violent predator OR REGISTRANT REQUIRED TO REGISTER UNDER § 11-704(8) OF THIS
3 SUBTITLE, a local law enforcement unit shall send a copy of the verification form to
4 the Department.

5 11-721.

6 (a) A registrant may not knowingly fail to register, KNOWINGLY FAIL TO
7 PROVIDE THE WRITTEN NOTICE REQUIRED UNDER § 11-705(D) OF THIS SUBTITLE, or
8 knowingly provide false information of a material fact as required by this subtitle.

9 (b) A person who violates this section is guilty of a misdemeanor and on
10 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
11 \$5,000 or both.

12 (c) A person who violates this section is subject to § 5-106(b) of the Courts
13 Article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.